

SENATE BILL NO. 545

INTRODUCED BY S. FITZPATRICK

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A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LOCAL GOVERNMENT LAWS;
PROHIBITING A LOCAL GOVERNMENT FROM ADOPTING CERTAIN BUILDING CODES RELATED TO
FOUNDATIONS; ALLOWING A LOCAL GOVERNMENT TO ACCEPT A WAIVER FOR CERTAIN
RESIDENTIAL BUILDING CODE REQUIREMENTS; ALLOWING THE DEPARTMENT OF LABOR AND
INDUSTRY TO COLLECT FEES FOR WAIVER FORMS; AND AMENDING SECTION 50-60-301, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-60-301, MCA, is amended to read:

"50-60-301. County, city, and town building codes authorized -- health care facility and public health center doors -- fee adjustment for model plans. (1) The local legislative body of a county, city, or town may adopt a building code to apply to the county, city, or town by an ordinance or resolution, as appropriate:

- (a) adopting a building code; or
- (b) authorizing the adoption of a building code by administrative action.

(2) (a) Except as provided in ~~subsection~~ subsections (2)(b) and (5), a county, city, or town building code may include only codes adopted by the department.

(b) A county, city, or town may, as part of its building code or by town ordinance or resolution, adopt voluntary energy conservation standards for new construction for the purpose of providing incentives to encourage voluntary energy conservation. The incentive-based energy conservation standards adopted may exceed any applicable energy conservation standards contained in the state building code. New construction is not required to meet local standards that exceed state energy conservation standards unless the building contractor elects to receive a local incentive.

(3) Any provision of a building code requiring the installation or maintenance of self-closing or automatic closing corridor doors to patient rooms does not apply to health care facilities, as defined in 50-5-101,

1 or to a public health center, as defined in 7-34-2102.

2 (4) (a) When the same single-family dwelling plan is constructed at more than one site, the county,
3 city, or town shall, after the first examination of the plan, adjust the required plan fee to reflect only the cost of
4 reviewing requirements pertaining to the review of:

5 (i) zoning;

6 (ii) footings, foundations, and basements;

7 (iii) curbs;

8 (iv) gutters;

9 (v) landscaping;

10 (vi) utility connections;

11 (vii) street requirements;

12 (viii) sidewalks; and

13 (ix) other requirements related specifically to the exterior of the building.

14 (b) If a building contractor alters the single-family dwelling plan referred to in subsection (4)(a) in a
15 fashion that substantially affects the building code requirements, the county, city, or town may impose the full
16 examination fee permitted under 50-60-106.

17 (5) A county, city, or town may not adopt a building code or ordinance that requires the
18 construction of a foundation slab with a deflection ratio greater than 1 inch for every 50 feet.

19 (6) (a) If the building code adopted by a county, city, or town requires a residential property owner
20 to obtain a geotechnical report or an engineered foundation, the residential property owner may agree to waive
21 the requirement in writing.

22 (b) The waiver allowed in subsection (6)(a) must:

23 (i) identify the requirements being waived; and

24 (ii) be written in bold typeface that reads, at minimum: "The property may contain adverse soil
25 conditions, including but not limited to expansive, eroding, heaving, collapsing, or other types of soil conditions,
26 which may cause damage to the property. The damage may include but is not limited to foundation, sidewalk,
27 driveway, and slab movement, cracked or damaged property, difficulty in opening doors and windows, or other
28 forms of damage or distress to the property. By signing this document, you are waiving any requirement to

1 obtain a geotechnical report or engineered foundation and, as a consequence, your property may experience
2 damage."

3 (c) A contractor who uses the waiver allowed in this subsection (6) shall pay a \$10 fee to the
4 department during each calendar year the contractor intends to use a waiver.

5 (d) A waiver may be filed with the clerk and recorder of the county where the residential property is
6 located.

7 (e) In the event of litigation related to the requirements and allowances provided in this subsection
8 (6), evidence of the standards set forth in this subsection (6) is admissible in a court of law."

9 - END -